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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/741,008	09-Feb-01	SCHAEFER, ET AL	0272835

Title: PERFORMANCE PATH METHOD AND APPARATUS
FOR EXCHANGING DATA AMONG SYSTEMS USING
DIFFERENT DATA FORMATS

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Art Unit	Paper Number
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PATENT & TRADEMARK OFFICE
MAILED

AUG 12 2002

LICENSING & REVIEW

Please find attached a communication from the Examiner regarding the
Petition for Retroactive License under 37 CFR 5.25.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Stephen C. Glazier
Pillsbury Winthrop LLP
1100 New York Ave., N.W.
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Washington, D.C. 20005

In re: Schaefer et al.
Serial Number: 09/741008
Filed: 21 December 2000
Docket no.: 0272835

DECISION ON REQUEST
FOR RETROACTIVE LICENSE
UNDER 37 CFR 5.25

Title: Performance path method and apparatus for exchanging data among systems using different data formats

Decision: Denied

37 CFR 5.25(a) requires the following:

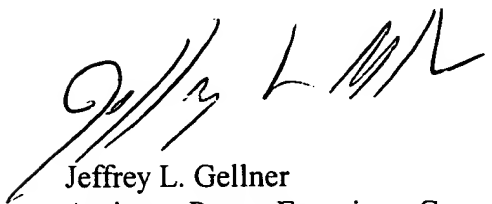
1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
 - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
 - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
 - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition filed 9 February 2001 is Denied at this time because the petition is defective in that the requirement(s) set forth in 37 C.F.R. 5.25(a) has(have) not been satisfied. To wit:

To meet the requirements of 37 CFR 5.15(a) and to have a complete record of this petition the Office must have a copy of the application that the Applicant filed in Canada.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and

in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).

A handwritten signature in black ink, appearing to read 'J. L. Gellner', written in a cursive style.

Jeffrey L. Gellner
Assistant Patent Examiner, Group 3643
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